

ERRATUM
TO CEC STAFF DRAFT REGULATIONS
FUEL EFFICIENT TIRE PROGRAM

JUNE 10, 2009

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§1685. Database of Tires

- (a) **Creation of Database.** The Executive Director shall maintain a database. The database shall consist of the following parts:

1) Passenger Tire Database

- i. “Active Database of In-Scope Passenger Tires.” The active database of all in-scope passenger tires shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684 and shall contain all of the data filed on all samples of tires as required by Section 1684(e).

- ii. “Active Database of Fuel Efficient Passenger Tires.” The active database of fuel efficient passenger tires shall contain, at least, a single row listing the information on each tire that is currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Fuel Efficient Tire pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).

- iii. “Active Database of Passenger Tires That Are Not Fuel Efficient.” The active database of passenger Tires That Are Not Fuel Efficient shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Tires That Are Not Fuel Efficient pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).

(2) Light Truck (LT) Tire Database

- i. “Active Database of In-Scope Light Truck (LT) Tires.” The active database of all in-scope LT tires shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684

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and shall contain all of the data filed on all samples of tires as required by Section 1684(e).

- ii. "Active Database of Fuel Efficient Light Truck (LT) Tires." The active database of fuel efficient light truck (LT) tires shall contain, at least, a single row listing the information on each tire that is currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Fuel Efficient Tire pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).

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- iii. "Active Database of Light Truck (LT) Tires That Are Not Fuel Efficient." The active database of light truck (LT) Tires That Are Not Fuel Efficient shall contain, at least, information on all tires that are currently in production, for which complete and accurate statements have been received pursuant to Section 1684, that have been determined by the Executive Director to have a Declared Fuel Efficiency Rating Value that complies with the value established for the rating of Tires That Are Not Fuel Efficient pursuant to Section 1683, and that have not been removed from the database pursuant to Sections 1684(i), or 1685(c).

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3) Exempt Tire Database

- i. "Active Database of Exempt Passenger Tires." The active database of exempt passenger tires shall contain, at least, information on all tires that have been determined by the Executive Director to be exempt from this Article by reason of Section 1680(b) Exemptions (1) or (2), and shall contain all of the information filed as required in Section 1684(f).
- ii. "Active Database of Exempt Light Truck (LT) Tires." The active database of exempt light truck (LT) tires shall contain, at least, information on all tires that have been determined by the Executive Director to be exempt from this Article by reason of Section 1680(b) Exemptions (1) or (2), and shall contain all of the information filed as required in Section 1684(f).

4) Historical Tire Database

- i. The historical tire database shall contain, at least, information on all tires that:

- a. are no longer sold or available for sale in California for which complete and accurate statements have been received pursuant to Section 1684(a) or
- b. have been removed from the active tire database pursuant to Sections 1684(i), or 1685(c).

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(b) Updating of Database Listings.

1) The Executive Director shall update the database on a continuous basis upon receipt and approval of manufacturer statements.

2) By no later than January 15 of each year the Executive Director shall update the Active Database of Fuel Efficient Passenger Tires and the Active Database of Fuel Efficient Light Truck (LT) Tires to identify the tire that has the lowest Declared Fuel Efficiency Rating Value for all tires in its combined tire size designation and load index as well as all tires meeting the definition of Fuel Efficient Tire in that combined tire size designation and load index. If the Executive Director determines that a tire no longer meets the definition of Fuel Efficient Tire the Executive Director shall remove the tire from the Active Database of Fuel Efficient Passenger Tires or the Active Database of Fuel Efficient Light Truck (LT) Tires into the Active Database of Passenger Tires That Are Not Fuel Efficient or the Active Database of Light Truck (LT) Tires That Are Not Fuel Efficient and shall so inform the manufacturer.

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(c) Confirmation of Database Listings.

The Executive Director may, by writing to the most recent address filed pursuant to Section 1684(c)(2), request a manufacturer of a tire listed in the database to confirm the validity, or to correct in compliance with this Article, all of the information in each of its database listings since the most recent filing by the manufacturer. If, within 30 days after the mailing, there is any tire for which the Executive Director has not received a reply from the manufacturer that confirms the validity of, or corrects, all of the information in the database listing, the Executive Director shall write via certified mail (registered mail to non-U.S. destinations), to the same address. If within 30 days of the latter mailing there is no such reply, the Executive Director shall move the tire into the Historical Tire Database, and it may be presumed that the tire is no longer sold or available for sale in California.

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§1686. Compliance and Verification

(a) Submittal of Reports of Manufacturers' Testing.

- 1) For any tire within the scope of Section 1680, the Executive Director may at any time request from a manufacturer a copy of the test report that describes the results of the testing that was performed pursuant to Section 1682 and that provides the basis for the information submitted under Section 1684. The request shall be sent to the address or e-mail address designated in Section 1684(c)(2). The manufacturer shall provide a copy of the applicable test report to the Executive Director within 14 days of the manufacturer's receipt of the request.
- 2) If the Executive Director does not receive the test report within the required time, the Executive Director shall move the tire into the Historical Tire Database described in Section 1685(a)(4) and shall so inform the manufacturer.
- 3) If the test report indicates that the tire performance is greater than, or less than declared by the manufacturer pursuant to Section 1684(d)(1)(i), the Executive Director shall, after providing written notice by certified mail (registered mail to non-U.S. destinations) to the person designated in Section 1684(c)(3), modify the listing of the tire in the database to accurately reflect the test report and shall so inform the manufacturer.

(b) Inspection of Tires by the Executive Director.

- 1) The Executive Director may periodically inspect tires sold or available for sale in California, to determine whether or not they conform to Section 1684 and Section 1685.
- 2) Inspection of a tire shall consist of inspection of one tire.
 - i. If the inspection indicates that the tire conforms to Section 1684 and the information listed in the database of Section 1685, the matter shall be closed.
 - ii. If the inspection indicates that the tire does not conform to Section 1684 and/or the information listed in the database of Section 1685, the Commission shall undertake a proceeding pursuant to Section 25210 of the Public Resources Code and Title 20, California Code of Regulations, sections 1230 et seq. If the Commission confirms the Executive Director's determination, then he or she shall move the tire into the Historical Tire Database and shall so inform the manufacturer.

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(c) Testing of Tires by the Executive Director.

- 1) The Executive Director may periodically cause, at test facilities meeting the criteria of Section 1682, the testing of tires sold or offered for sale in California, to determine whether or not the tires are as reported and declared by the manufacturer pursuant to Section 1684. Testing shall be performed as follows:
 - i. The Executive Director shall cause tests on three units of tires with identical SKUs, using the applicable test procedure specified in Section 1682 and determine the mean plus two standard deviations of the RRF for the three tires. Upon completion of the test, the Executive Director shall make a determination as follows:
 - a. **Tire Is No Different Than Reported and Declared by Manufacturer.** If the test result indicates that the tire is no different than reported and declared by the manufacturer pursuant to Section 1684, the matter shall be closed.
 - b. **Tire Is Different Than Reported and Declared by Manufacturer.** If the test result indicates that the tire is different than reported and declared by the manufacturer pursuant to Section 1684, the Executive Director shall modify the information of the tire in the database to accurately reflect the Executive Director's determination and shall so inform the manufacturer.

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(d) Costs.

Except as otherwise provided in this Article, all costs of inspection and tests showing results as described in Section 1686(b)(2)(i) or Section 1686(c)(1)(i)(a) shall be borne by the Commission. All costs, including the acquisition cost of tires, for all other inspections and tests shall be paid by the manufacturer.